

RECEIVED UNITED STATES DISTRICT COURT  
SDNY PRO SE OFFICE  
SOUTHERN DISTRICT OF NEW YORK

2022 OCT 17 AM 10:08

NOEL BROWN,

Petitioner,

V.

STATE OF NEW YORK,

Respondent,

:

: 22 Civ.6371 (PAE)

:

: District Judge: Paul A. Engelmayer

:

: MOTION TO RESCIND STAY

PLEASE TAKE NOTICE that petitioner Noel Brown, respectfully request that the Court: Rescind the stay order granted upon petitioner's request.

Unfortunately the Court of Appeals, has not adjudicated the appeal in a timely manner. WHEREBY, in the interest of justice petitioner request that this Court adjudicate the case. Thank You.

In support of this motion, I submit the following documents: 1 Copy of the Center for Appellate Litigation, informing of the reconsideration application. 2 Copy of the State of New York Court of Appeals letter confirming application for reconsideration being assigned.

10/12/2022

Noel Brown MW0387

1590 WALTER MILL ROAD

SOMERSET, PA 15510

**MEMO ENDORSED**



HON. VALERIE FIGUEREDO  
UNITED STATES MAGISTRATE JUDGE

Dated: 10-19-2022

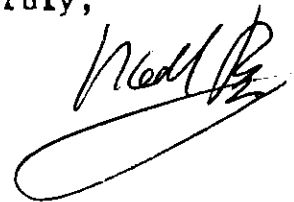
The motion to lift the stay is denied. Because Petitioner's motion to the Court of Appeals for reconsideration of the Court's denial of his leave application is still pending, the court will leave the stay in place until the Court of Appeals decides the motion.

Petitioner is instructed to update the court on the status of his motion for reconsideration by December 23, 2022, or if the motion is decided before then,

Petitioner should inform the court within 10 days after Petitioner learns of the Court of Appeals' decision. The Clerk of Court is directed to terminate the motion at ECF No. 11.

SO ORDERED.

Yours Truly,



UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

NOEL BROWN

: CERTIFICATE OF SERVICE\*

Petitioner

V.

: DOCKET NUMBER: 22-6371

STATE OF NEW YORK :

I Noel Brown, petitioner certify under penalty of perjury that on

6/12/2022, I served a copy of Pro Se filing Notification, by United States Mail, on the following parties:

OFFICE OF THE NEW YORK STATE ATTORNEY GENERAL 28 LIBERTY STREET NEW YORK, NY 10005.

Yours Truly,

A handwritten signature in black ink, appearing to be "Noel Brown", written over a horizontal line.

# CENTER FOR APPELLATE LITIGATION

120 WALL STREET – 28<sup>TH</sup> FLOOR, NEW YORK, NY 10005 TEL. (212) 577-2523 FAX 577-2535



ATTORNEY-IN-CHARGE  
ROBERT S. DEAN  
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BARBARA ZOLOT  
MANAGING ATTORNEY  
DAVID J. KLEM

August 11, 2022

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Mr. Noel L. Brown  
MW0387  
SCI Somerset  
1590 Walters Mill Road  
Somerset, PA 15510-0001

Dear Mr. Brown:

I hope you are doing well. I recently received the enclosed correspondence and submissions regarding the reconsideration application you submitted to Judge Rivera. Please let me know if I should forward your additional submission to the Court or prosecution.

Additionally, as I anticipated in my July 13, 2022 letter, the Court of Appeals has granted leave to appeal in a case raising an issue related to New York State Rifle & Pistol Assn., Inc. v. Bruen, 142 S. Ct. 2111 (2022). Accordingly, we asked to supplement your reconsideration application. Judge Rivera directed us to submit our supplemental letter by September 2, 2022.

I will keep you updated on the status of the reconsideration application and provide copies of all submissions. Please let me know if you have any questions or concerns.



*State of New York  
Court of Appeals*

*Lisa LeCours  
Chief Clerk and  
Legal Counsel to the Court*

*Clerk's Office  
20 Eagle Street  
Albany, New York 12207-1095*

July 28, 2022

Noel Brown  
#MW0387  
SCI - Somerset  
P.O. Box 33028  
St. Petersburg, FL 33733

Re: People v Brown (Noel); CLA-2022-00993; Pin No. 26001

Your application for reconsideration has been assigned to:

Hon. Jenny Rivera  
Judge of the Court of Appeals  
Court of Appeals Hall  
20 Eagle Street  
Albany, NY 12207-1095

Additional submissions, if any, to the assigned Judge must be mailed within ten days after the date of this letter, and a copy must be served on the opposing party. Any response must be mailed within ten days after the due date for the applicant's additional submissions, with a copy also served on the applicant.

**Digital Filing Requirement**

The Court's Rules were amended effective December 30, 2020 and now require, in addition to the required paper filing, a companion submission in digital format of documents (see Rules 500.2, 500.20).

As you have submitted copies of the required printed filings, you have been granted a hardship exemption and you do not have to submit companion digital filings.

The opposing party must upload a copy of responding submissions, if any, within ten days after the due date for the applicant's additional submissions.

The documents must be uploaded using the Companion Filing Upload Portal accessed through the Court's website ([www.nycourts.gov/ctapps](http://www.nycourts.gov/ctapps)). **The CLA No. and Pin No. listed above must be used to access the portal.** The Technical Specifications and Instructions for the Companion Filing Upload Portal (including naming conventions) are enclosed and are available on the Court's website.

Lisa LeCours  
Clerk of the Court

cc: Andrew E. Seewald, ADA  
Hon. Alvin Bragg, New York County District Attorney

John L. Palmer, Esq.

Smart Communications/PADOC

SCI- *Somerset*  
Name *Noel Brown*  
Number *MW 0387*

PO Box 33028

St Petersburg FL 33733

PA Dept of Corrections  
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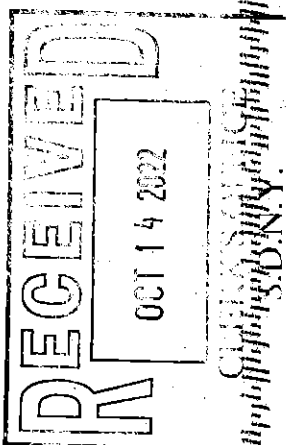
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SDNY PRO SE OFFICE

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*500 PEARL STREET, Clerk Office  
New York, NY 10007*

*Pro Se  
EN*



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